MT LEGISLATIVE HISTORY

Chapter 255 19 71

Bill H 417 S _____ Original bill & hist. ___C

H. Committee on Towns + Cos. S. Committee on Loc. Gov't.

Hearing Date(s)			Hearing Date(s)		
	1-29	___C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	1-29	___C	Standing w rmm. rpt.	2-20	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Irrigation & Counties COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
H.B 355 Burnett	To allow Co. Comm. to permit master mechanics to sheriffs office without consent of Sheriff's Office	1/21/71	1/28/71	Action delayed until 1/30/71	1/30/71	Do Pass as Amended	
				Amended 1/30/71	1/30/71	Amended	
H.B 380 Harden	To provide for monthly reports & remittances to all State Bd of Equal. of Collections by Co. Treasurer	1/21/71	1/28/71	Amended by Committee	1/28/71	Do Pass As Amended	
H.B 408 Berdennis	Relating to fees allowed to sheriffs for Board of Prisoners	1/21/71	1/28/71		1/30/71	Do Pass	
H.B 417 Glennon	Providing for appointment of Drainage & Special Improvement Dists. Revolving Fund	1/21/71		Retirement	—	—	
H.B 418 Glennon	Granting City & Town Councils authority to provide measures for abatement & prohibition of nuisances caused & created	1/21/71		Retirement	—	—	Killed
H.B 431 Nagy	Providing for an inquiry in the action for the Board of Examiners, may charge Fire Dept Reliefs members	1/21/71		Retirement	—	—	Killed
H.B 460 Harrison	To empower the Bd of Co. Comm. to create a Youth District	1/21/71	1/28/71 2/4/71	Action delayed question of redrawn	2/4/71	Do Pass	Killed

AFFAIRS OF CITIES COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
H.B. 387 Bardanouve Mather	An act to authorize the investment of fire department relief Association funds	1/21	2/5		2/8	Do Pass	Killed on 2nd reading 2-9
H.B. 389 Bardanouve	An act to authorize city county and town treasurers to deposit public money in savings and loan associations	1/27	2/5		2/8	Do Pass	Killed on 2nd reading 2-9
H.B. 405 Belsted, Keller	An act to create a consolidation of retirement systems for policemen.	1/21	2/3		2/5	Do Not Pass	Killed
H.B. 417 Glennon	An act for supplementing provisions of the special improvement district revolving fund.	1/23	1/29		1/29	Do Pass	Governor's Office 3-4-71
H.B. 418 Glennon	An act granting city and town councils authority to provide means by which a nuisance shall be removed after assessing	1/23	1/29		2/5	Do Not Pass	Killed
H.B. 427 Worden	To require a permit from the county commissioner to build in areas where no city permits are issued	1/21		Referred from this Committee to Townships and Counties			

January 29, 1971

The Affairs of Cities Committee was convened at 10:30 a.m., in Room 436 with Chairman Cox presiding. All members were present.

Chairman Cox called the meeting to order to consider H.B. 285.

Representative Hall explained the bill. It seeks to allow the Board of Trustees to deposit and invest in certificates of deposit in State and National banks.

H.B. 417 was then considered by the Committee. Representative Glennen explained the bill. It is to include construction of curb, sidewalks and alley approaches in special improvement district warrants.

Mr. Dan Mizner, Executive Director of the Montana League of Cities and Towns, testified in favor of the bill.

H.B. 148 was then considered. Representative Glennen explained the bill. It is to allow the cities to collect the money spent on the demolition of a nuisance or dangerous building. According to the bill, the money spent would become a lien on the property. That way, when the property is sold, the city could be able to collect.

Mr. Dan Mizner, Montana League of Cities and Towns, testified in favor of the bill.

H.B. 441 was then considered. Representative Keller explained the bill. It is to correct an error in the city-county planning boards. Currently four members are from the city and four from the county; together they select a ninth member. It is almost always a person from the county. This places the majority of the votes in the county hands, when the most money is raised in the city.

Mr. Paul Prestoria, alderman of the city of Great Falls, testified in favor of the bill. The city should be the majority as the county generally votes against the city. The bill would bring the number of city members to five and county members to four.

H.J.R. 8 was then considered. Representative Kendall explained the resolution. The present set of election laws for cities and towns is very confusing, as a result of the recodification of the laws last session.

Mr. Philip Auble, Montana League of Cities and Towns, and Mayor of Glendive, testified in favor of the bill. Even the Attorney General has not been able to decide when the elections should be held.

Mr. Dan Mizner testified in favor of the bill. There are three types of election procedures and four sets of election laws. The mayor and aldermen in some cities and towns are still in office because no one else ran or there was no election.

The witnesses left after a discussion.

Representative Bardanouve appeared before the Committee on behalf of the annexation laws. Although one bill was dead, there was still one alive. Something had to be done so that the city could survive. The city cores at the time being, are dying and they are the ones that make the city life worthwhile. There are people using the city services that do not pay for them.

After Representative Bardanouve left, the Committee considered the bills.

H.B. 285 was considered. Mr. Kosena moved that the bill Do Pass and the vote was unanimous.

H.B. 417 was considered next. Mr. Lockrem moved that the bill Do Not Pass, and the vote was unanimous.

H.B. 418 was next considered. Chairman Cox appointed a subcommittee to further study the bill. Mr. Bennett, Chairman, Mr. Harper, and Mr. Lockwood were appointed.

H.B. 441 was considered. Mr. Keller moved that the bill be held in limbo. Mr. Lockrem made a substitute motion that the bill Do Not Pass. The vote on the substitute motion was unanimous.

H.J.R. 8 was then considered. Mr. Kendall moved that the resolution Do Pass. The motion lost, the resolution was not to be adopted.

The subcommittee reported on H.B. 53. Mr. Kosena moved that the bill be reported out; Do Pass as amended. Mr. Lockrem, in a substitute motion, moved to amend it further. Mr. Keller then moved to amend Mr. Kosena's amendment. Finally Mr. Keller moved a substitute motion to all substitute motions that the bill be passed for the day. The vote was unanimous.

Mr. Lockrem then moved that the Committee study H.B. 15. It had been amended extensively by the Judiciary Committee. It was agreed that the bill should be pulled and the Committee study it.

There being no further business, the meeting adjourned.

Henry S. Cox Chairman

☐ DO PASS

☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

[redacted]

[redacted]

January 29, 19 73

Mr. [redacted]

We, your committee on HOUSE OF CHIEFS

having had under consideration House Bill No. 11-617

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR APPROPRIATION PURSUANT TO THE SPECIAL REPRESENTMENT AGREEMENT REGARDING FUND TO INCLUDE GENERALS, CHIEF AND SENIOR AIR FORCE OFFICERS; AMENDING SECTIONS 11-2269, 11-2270, 11-2271, and 11-2272, R.C.M., 1947."

Respectfully report as follows: That House Bill No. 617

DO PASS

House Committee Report Form

Henry S. Cox, Chairman.

LOCAL GOVERNMENT

BILL NO.	SPONSOR	TITLE	COMMITTEE ACTION	FINAL STATUS
HB 332	LANTHORN	REPEALING AN ACT WHICH MAKES IT A MISDEMEANOR TO ENCOURAGE A MINOR TO BE IN A PUBLIC DANCE HALL	BE CONCURRED IN	SIGNED BY GOV 3-1-71
HB 355	BURNETT	TO ALLOW COUNTY COMMISSIONERS TO FURNISH MOTOR VEHICLES TO SHERIFF'S OFFICE WITHOUT CONSENT OF SHERIFF	BE CONCURRED IN	GOVERNOR'S OFFICE
HB 408	BARDANOUVE	RELATING TO FEES ALLOWED TO SHERIFFS FOR BOARD OF PRISONERS	BE NOT CONCURRED IN	GOVERNOR'S OFFICE
HB 417	GLENNON	PROVIDING FOR SUPPLEMENTING PROVISIONS OF THE SPECIAL IMPROVEMENT DIST. REVOLVING FUND	BE CONCURRED IN	SIGNED BY GOV. 3-9-71
HB 472	SCHOONOVER	RELATING TO THE REDEMPTION OF CITY, TOWN, COUNTY AND SCHOOL DISTRICT BONDS	BE NOT CONCURRED IN	KILLED IN SENATE 2-25-71
HB 478	TOME	TO REQUIRE COUNTY BY COUNTY COMPILATION OF PERSONS REACHING VOTING AGE BY THE MONT. HWY. PAT.	BE CONCURRED IN	SIGNED BY GOV. 3-9-71
HB 487	MCKITTRICK	PROVIDING CITY COUNCILS MAY ASSESS COSTS OF INSTALLING LIGHTING OUTSIDE CITY LIMITS	BE CONCURRED IN	GOVERNOR'S OFFICE
HB 501	FAGG	TO CONVERT OVERHEAD EXISTING ELECTRICAL AND COMMUNICATION FACILITIES TO UNDERGROUND	BE CONCURRED IN	GOVERNOR'S OFFICE
HB 517	YARDLEY	RECLASSIFICATION OF FIRST CLASS ELEMENTARY DISTRICTS	BE NOT CONCURRED IN	KILLED IN SENATE 2-23-71
HB 521	SWANBERG	PERMITTING TOTAL COST OF STREET LIGHTING TO BE ASSESSED AGAINST PROPERTY IN SID'S	BE NOT CONCURRED IN	KILLED IN SENATE 2-21-71
HB 589	DYE	TO ESTABLISH MUNICIPAL AND REGIONAL AIRPORT AUTHORITIES, TO PROVIDE FOR A TAX LEVY	AS AMENDED BE CONCURRED IN	GOVERNOR'S OFFICE
HJR 38	COX	REQUESTING THE LEGISLATIVE COUNCIL TO STUDY THE FEASIBILITY OF HOME RULE FOR MUNICIPALITIES	DO PASS	SIGNED BY GOVERNOR 2-20-71
SR 21	BERTSCHE	TO CONDUCT A COMPREHENSIVE STUDY OF THE QUALIFICATIONS AND SALARIES OF COUNTY OFFICERS	BE ADOPTED	ADOPTED
SR 22	ROSTAD	TO RETAIN THE MADISON-JEFFERSON SILVER BOW RESOURCE, CONSERVATION & DEVELOPMENT GROUP	BE ADOPTED	ADOPTED

stated that the secretary of the Republican party is in favor of the bill.

HB 417

Representative Glennon testified in support of this bill. (A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SUPLEMENTING PROVISIONS OF THE SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND TO INCLUDE SIDEWALK, CURB AND ALLEY APPROACH WARRANTS; AMENDING SECTIONS 11-2269, 11-2270, 11-2271, AND 11-2272, R.C.M. 1947.") Mr. Glennon further explained that the bill would allow the money to be put into a deposit after a job has been partially completed instead of lying dormant. He commented that the bill simply clarifies some language.

Mr. Dan Mizner said that the League of Cities and Towns was in support of the bill.

The proponents were thanked for their testimony and were excused.

HB 487

Representative Pat McKittrick, prime sponsor of HB 487, spoke in behalf of the bill. He stated that a few sidewalks in Great Falls are outside of the city limits and in this area where the sidewalks aren't in the city limits, the lighting is very bad. He further stated that there have been several tragic deaths in this area, and that the purpose of this bill was to create a new lighting district. He informed the committee that the bill would give the power to the city to create a SID and divide the cost over the abutting property in the few blocks. The residents would still have a voice as to whether they wanted the special lighting district or not. The city would have the power to assess people outside the city limits.

Mr. McKittrick was then excused and thanked for his testimony.

HB 258

Senator Drake moved that HB 258 BE AMENDED. Senator Goodheart seconded the motion. MOTION CARRIED. Senator Drake moved that HB 258 BE CONCURRED IN AS AMENDED. Senator Lowe seconded the motion. MOTION CARRIED.

HB 478

Senator Lowe moved that HB 478 BE CONCURRED IN. Senator Klindt seconded the motion. MOTION CARRIED.

HB 417

Senator Klindt moved that HB 417 BE CONCURRED IN. Senator Goodheart seconded the motion. MOTION CARRIED.

There being no further business, the meeting was adjourned.

Thiessen

Senator Thiessen, Chairman

☐ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 28 19 71

MR. PRESIDENT:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 417

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SUPPLEMENTING PROVISIONS OF THE SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND TO INCLUDE SIDEWALK, CURB AND ALLEY REVENUE WARRANTS; AMENDING SECTIONS 11-2269, 11-2270, 11-2271 AND 11-2272, R.C.M. 1947."

Respectfully report as follows: That HOUSE BILL No. 417

BE CONCURRED IN

Senator Thiesse Chairman.

Senate Committee Report Form

Senator Thiesse Chairman.

House Committee Report Form

Certificate to secretary of state.

(b) The secretary of the committee shall transmit a certificate to the secretary of state with the information contained on the original certificate plus the cause of the vacancy, the name of the person nominated, the office to be filled, and the name of the person for whom the nomination was made.

Secretary shall insert name—fee.

(c) When the certificate is filed with the secretary of state *accompanied by the proper filing fee* he shall insert the name of the person nominated to fill the vacancy.

Secretary shall certify to registrar.

(d) If the secretary of state has certified the nominations to the registrars, he shall immediately certify to the registrars the name of the person nominated to fill the vacancy, the office to be filled, the party or political principle he represents, and the name of the person for whom the nominee is substituted."

Approved March 9, 1971

CHAPTER NO. 255

An Act Providing for Supplementing Provisions of the Special Improvement District Revolving Fund to Include Sidewalk, Curb and Alley Approach Warrants; Amending Sections 11-2269, 11-2270, 11-2271 and 11-2272, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 11-2269, R.C.M. 1947, is amended to read as follows:

City or town shall create "special improvement district revolving fund" for payment of bonds or sidewalk, curb and alley approach warrants.

"11-2269. **Special improvement district revolving fund.** The city or town council or commission of any city or town which has heretofore created, or may hereafter create, any special improvement district or districts for any purpose, may in its discretion, as to such district or districts heretofore created, and shall, as to such district or districts hereafter created, in order to secure prompt payment of any special improvement district bonds *or sidewalk, curb and alley approach warrants* issued in payment of improvements made therein, and the interest thereon as it becomes due, create, establish, and maintain by ordinance a fund to be known and designated as "Special Improvement District Revolving Fund"."

Amending clause.

Section 2. Section 11-2270, R.C.M. 1947, is amended to read as follows:

Council may transfer from general fund to revolving fund.

"11-2270. **Transfers from general fund and tax levy for revolving fund.** For the purpose of providing funds for such revolving fund the city or town council (1) may in its discretion, from time to time, transfer to the revolving fund from the general fund of the city or town such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be deemed and considered, and shall be, loans from such general fund to the revolving fund; and

Loans.

Levy for revolving fund.

(2) shall, in addition to such transfer or transfers from the general fund, or in lieu thereof, levy and collect for such revolving fund such a tax, hereby declared to be for the public purpose, on all the taxable property in such city or town as shall be necessary to meet the financial requirements of such fund, such levy, together with such transfer, not to exceed in any one year five per centum (5%) of the principal amount of the then outstanding special improvement district bonds *or sidewalk, curb and alley approach warrants.*"

Limitation.

Amending clause.

Section 3. Section 11-2271, R.C.M. 1947, is amended to read as follows:

Insufficient funds to pay due bonds or warrants.

"11-2271. **Loans from revolving fund for paying improvement district warrants — authorization by electors.** (1) Whenever any special improvement district bond *or sidewalk, curb and alley approach warrants,* or any interest thereon, shall be, at the time of the passage of this act, or shall thereafter become due and payable, and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the council, be loaned by the revolving fund to such district fund, and thereupon such bond or warrant or such interest thereon, or in case of such bonds or warrants due at the time of the passage of this act, such part of the amount due on such bond or warrant, whether it be for principal or for interest or for both as the council may in its discretion elect or determine, shall be paid from the money so loaned or from the money so loaned when added to such insufficient amount, as the case may require; provided, however, that the above

Deficiency.

Loan from revolving fund to district fund.

Limitations.

provisions of sections 11-2269, 11-2270 and 11-2271 of this code shall not apply to any district or districts heretofore created, unless and until, at an election, either the regular annual municipal election or a special election called by the council, a majority of the electors whose names appear as the owners of property in the city or town on the last completed tax roll of the county in which the city or town is situated, shall authorize the city or town council to proceed thereunder, such election to be called and conducted in the manner and under such regulations as the council may provide. At such election no person other than such qualified elector and taxpayer shall vote on said question, and a majority of those voting thereat shall be sufficient to determine, and shall determine, the question whether the council be authorized or not to proceed under sections 11-2269, 11-2270 and 11-2271 of this cide.

Municipal election.

Majority vote shall authorize council.

Voters shall be qualified electors and taxpayers.

(2) In connection with any public offering of special improvement district bonds *or sidewalk, curb and alley approach warrants,* the city or town council may undertake and agree to issue orders annually authorizing loans or advances from the revolving fund to the district fund involved in amounts sufficient to make good any deficiency in the bond and interest accounts thereof to the extent that funds are available, and may further undertake and agree to provide funds for such revolving fund pursuant to the provisions of section 11-2270 by annually making such tax levy (or, in lieu thereof, such loan from the general fund) as the city or town council may so agree to and undertake, subject to the maximum limitations imposed by said section 11-2270, which said undertakings and agreements shall be binding upon said city or town so long as any of said special improvement district bonds *or sidewalk, curb and alley approach warrants* so offered, or any interest thereon, remain unpaid.''

Council may issue orders annually authorizing loans from revolving fund.

Tax levy or loan from general fund.

Limitations.

Amending clause.

Section 4. Section 11-2272, R.C.M. 1947, is amended to read as follows:

"11-2272. **Lien for loans from revolving fund — surplus district funds transferred to revolving fund,** *investment of funds.* Whenever any loan is made to any special improvement district fund *or sidewalk, curb and alley approach warrants* from the revolving fund, the revolving fund shall have a lien therefor on all unpaid assessments and installments of assessments on such district, whether delinquent or not, and on all moneys thereafter coming into such district fund, to the amount of such loan, together with interest thereon from the time it was made at the rate, or percentage, borne by the bond or warrant for payment of which, or, of interest thereon, such loan was made; and whenever there shall be moneys in such district fund which are not required for payment of any bond or warrant of such district, or of interest thereon, so much of such moneys as may be necessary to pay such loan shall, by order of the council, be transferred to the revolving fund; and after all the bonds and warrants issued on any special improvement district *or sidewalk, curb and alley approach warrants* have been fully paid, all moneys remaining in such district fund shall by order of the council be transferred to and become part of the revolving fund.

Lien on assessments.

Excess monies—transfer to revolving fund.

Surplus reserves not needed for immediate use, may from time to time be invested in securities of the United States or certificates of deposit, approved by the city council. The interest earned from such investments shall be placed to the credit of the revolving fund.''

Investment of surplus reserves.

Approved March 9, 1971

CHAPTER NO. 256

An Act to Amend Section 5-908, R.C.M. 1947, to Provide for Fees to be Paid by Banks, Investment Companies and Trust Companies for Credit to the General Fund, Consisting of a Four Hundred Dollar ($400) Supervision Fee to be Paid On or Before June 30 of Each Year, and an Examination Fee of Ten Cents (10¢) Per One Thousand Dollars ($1,000) of Total Assets as of the Date of the Examination to be Paid at the Conclusion of the Examination; to Amend Sections 82-1002, 82-1008, 89-2107, 5-910, R.C.M. 1947, to Increase the Regular Examination Charges for Counties, Cities, Towns, County-Free High Schools, School Districts, for Each Person Engaged in the Examination and to Require that All Moneys Collected be Credited to the General Fund of the State; to Repeal Sections 5-903, 5-904, 5-905, 5-906, 5-907, R.C.M. 1947.